

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GREAT WESTERN INSURANCE COMPANY

Plaintiff,

vs.

MARK GRAHAM, DONALD SOLOW, BLUE  
CAPITAL MANAGEMENT, INC., BLUE  
ALTERNATIVE ASSET MANAGEMENT LLC,  
WILMINGTON SAVINGS FUND SOCIETY, FSB,  
CHRISTIANA TRUST, REGATTA HOLDINGS  
LLC, CYGNET 001 MASTER TRUST, CYGNET  
001 MASTER TRUST SERIES 2011-A, CYGNET  
001 MASTER TRUST SERIES 2011-C, CYGNET  
001 MASTER TRUST SERIES 2013-A, ALPH RE  
LIMITED, ALPHA RE HOLDINGS (CAYMAN)  
LIMITED, ATLANTIC SPECIALTY FINANCE,  
BLUE ELITE FUND LTD., BLUE ELITE FUND  
LP, BLUE II LTD., SANCUS CAPITAL BLUE  
CREDIT OPPORTUNITIES FUND LTD.,  
ABILITY INSURANCE COMPANY, JOHN  
DRAKE, EDWARD BRENDAN LYNCH,  
GREGORY TOLARAM, ADVANTAGE CAPITAL  
HOLDING LLC, DAN CATHCART, AND  
KENNETH KING.

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying memorandum of law and all the prior pleadings and proceedings herein, Defendant Sancus Capital Blue Credit Opportunities Fund, Ltd. (“Sancus”), by and through its attorneys, Seward & Kissel LLP, will move this Court before the Honorable Vernon S. Broderick, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, Courtroom 518, New York, New York 10007, at a time and date convenient for the Court, for an Order pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) dismissing the Second Amended Complaint filed by Great Western Insurance Company

with prejudice as to Sancus, and granting such other and further relief as the Court deems just and proper.

New York, New York  
February 5, 2019

Respectfully submitted,

SEWARD & KISSEL LLP

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